

Form 5

OFFICE OF THE APPELLATE MEDIATION COORDINATOR

[Date]

[CASE # AND STYLE]

**NOTICE OF REFERRAL TO MEDIATION AND APPOINTMENT OF
MEDIATOR**

The foregoing case, having been reviewed by the appellate mediation coordinator, is hereby referred to appellate mediation.

1. The following mediator is assigned to mediate the above referenced case:

(Mediator name):

(Mediator address):

(telephone):

(fax)

2. The assigned mediator and the parties shall schedule the mediation so that it concludes prior to 60 days of the date of Order Granting Stay as provided in Rule 3(d), Arkansas Rules of Appellate Mediation.

3. The parties shall submit Mediation Statements if the mediator so requests. Any Mediation Statement shall be short and concise (preferably not more than five (5) pages in length). Parties with full settlement authority and counsel are required to attend mediation sessions. If a party refuses to attend a mediation session or sessions, unreasonably delays the scheduling of mediation, or otherwise unreasonably impedes the conduct of the appellate mediation program, the case may be returned to the appellate docket as a result

of those actions

4. Each party shall appear at the mediation session or sessions. A party is deemed to appear at a mediation session if the following persons are physically present:

- A. The party or its representative having full authority to settle without further consultation; and**
- B. The party's counsel of record, if any; and**
- C. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle. However, the insurance representatives attending the mediation shall be permitted to consult telephonically with their superiors during the mediation for additional settlement authority.**

Public entities shall be deemed to appear by the physical presence of a representative with full authority to negotiate and to recommend settlement to the public entity.

5. All appellate mediation sessions shall be confidential as provided in Rule 8 of the Arkansas Appellate Mediation Rules, and the mediation will be conducted in accordance with the Arkansas Appellate Mediation Rules, and the Arkansas Alternative Dispute Resolution Requirements for the Conduct of Mediation and Mediators.

6. The appellate process, including the times for preparing and transmitting the record transcript and filing briefs in this case have already been stayed per Order Granting Stay issued by the court having jurisdiction. THE TIME FOR FILING ANY CROSS APPEAL OR RELATED APPEAL IS NOT STAYED.

7. THE MEDIATION SHALL BE COMPLETED WITHIN 60 DAYS FROM THE DATE OF ORDER GRANTING STAY OR ANY EXTENSION THERETO.

**Appellate Mediation Coordinator
Date**

**cc: Counsel for Appellant
Counsel for Appellee**

**Mediator - with copy of Order Granting Stay and Appellant's Case
Screening Form, with attachments**